

Action and categorisation: toward a praxeological analysis of the public sphere
Presentation for the Manchester Ethnographic Group, 1.3.2001
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This intervention is grounded on the analysis of experts' interventions in Swiss public debates about "in vitro fertilisation" (IVF) and "Nazi Gold" issues. On the one hand, we will observe how these discourses are made accountable as stand-taking in public debates. On the second hand, we will show how these debates display categorisation devices which make private and past situations accountable as problems requiring the unfolding of public courses of action. In conclusion we will address theoretical questions about the relations between categorisation processes and the constitution of democratic public spheres.

In Switzerland, a public debate about IVF took place during the first months of 2000 about a popular initiative aiming to prohibit any technique of fertilisation outside the human body. This kind of public debate is quite common in the Swiss semi-direct democracy. They are part of the formal process which defines the exercise of initiative as a political right. That process will be described later, but for now it is important to note that, provided that a majority of voters approves the initiative, the outcome is a modification of the Constitution. In this presentation, we will analyse a daily newspaper article which was published three weeks before the vote. As we will see, this journalistic discourse sustains the opinion of the opponents to the initiative and between them that of many scientific experts.

The "Nazi Gold" debate has been framed as part of a larger reassessment of the role of Switzerland during World War II. In the course of this wide discussion, it appeared that the Swiss National Bank maintained gold trade with the German Reichsbank until the last months of the war. These revelations rose two major historical and moral questions. On the first hand, they made credible the suspicion that Switzerland could have bought gold stolen from the victims of the Holocaust. On the other hand, the hypothesis rose that the Nazis used gold trade with Switzerland to bypass the Allied economical blockade designed to prevent the financing of the German war efforts. Under these both descriptions, Switzerland has been suspected of complicity with the Nazi government. Hence, the Swiss government constituted an historical Commission which was in charge of establishing the origins and the uses of gold, in order to decide on a possible restitution and compensation policy. These questions make for the core argument of the first report the Commission published in 1998.

The first moment of the presentation will be devoted to the analysis of the specificity of each debate. In the conclusion, we'll try to show some general properties of expert discourses. They make scientific questions accountable as public problems and thus suggest the vulnerability of a moral order, since it is to be preserved through public interventions. In one case, childless couples get constituted as standing in need of medical treatments against sterility. In the other, gold acquired in illegitimate ways gets described as requiring its restitution. These general properties suggest two methodological points. On the first hand, the analysis of public debates should describe the courses of action in order to show the categorisation devices they incorporate. On the other hand, the practical accomplishment of a moral order is both local and constitutive of moral and historical communities.

A local daily newspaper article about the IVF debate

Before I start the analysis I have to clarify a few points about the Swiss political system. In the Swiss semi-direct democratic system, citizens have the right to modify the constitution.

They can write a modification, have it approved by at least 100'000 signatures of Swiss citizens. The project is then officially deposited. Then, the parliament inspects its legality and decides whether to approve its content. It is then submitted to a popular national vote, a kind of referendum. About five times a year, Swiss citizens have to vote on such issues, most of the time on several of them on the same voting day. If a majority of voters accepts the proposal, the parliament has to implement it, whether it approves it or not.

In 1992, a modification of the constitution provided for the legality of, among others, in vitro fertilisation and sperm gift. A group of citizen opposed these two innovations. They then gathered more than 120'000 signatures on a popular initiative. This project proposed to forbid two things:

-fertilisation outside the woman body, and

-the gift of gametes by a third party

The parliament objected to the content of the proposal but acknowledged its legality. It was then scheduled for a popular vote on March the 12th 2000, along with four other issues. The article I shall analyse was published about three weeks before the vote. It appeared in a local daily newspaper of the French speaking part of Switzerland. Though a whole page was devoted to the topic, I shall focus on the leading text.

As said before, my purpose is to describe the reflexive relation between the definition of a problem and a course of public action. These dimensions are distributed across the structure of the article: we'll see how the title and the introductory paragraph focus on the course of public action, while the first sections of the text itself identify the problem at hand. The end of the text accomplishes the link through a short depiction of the proponent's arguments. As that relation between the definition of a problem and a course of public action has to be generally construed as reflexive (i.e. both dimensions are mutually accountable), this task distribution is much more an analytic resource than a general property of the discourse analysed here. I shall first pay attention to the title and the introductory paragraph, before dealing with a few points in the text itself. I'll proceed in a very empirical way, trying to document in the text the accomplishment of the various points suggested above.

The framing of political responsibility

The title is in two parts: *Votations IVF concerns hundreds of children*. *Votations* is a specific political Swiss concept signifying both the political process and the content of the issues. Along with the header *Switzerland*, it identifies the issue as a political and national one. The second part, *IVF concerns hundreds of children*, gives a first version of the issue and of what is at stake, relating a technique to a quantified collection of categories. I'll come back on this relation later, but let me just remark that the collection related to the technique is not the same as the one addressed by the title and the header, because of course children don't vote.

The introductory paragraph accomplishes a new formulation of these elements: Literally translated: *Twenty-two years after the birth of the first child conceived outside the mother body, little Louise Brown, the people and the cantons will have to come to a decision on next March the 12th on the popular initiative "for the protection of the human being against artificial reproduction techniques"*. I must say here that I translated *faire un sort à* with *come to a decision on* but in French this expression also has the meaning of *get rid of*. In such a specific context, this pun happens to be an artful resource for slightly taking side on the issue. Here we can see two different temporalities connected in one event: on the one hand, the twenty-two years old international history of IVF, and on the other hand, the Swiss political agenda through which, as said before, the citizen is ascribed a civic duty a few times a year. In a way the pun dramatises the historical relevance of that vote.

The title and the introductory paragraph define the political responsibility of the reader-citizen to come to a decision on a reproductive issue involving lots of children. We'll now get into

the text itself and see how the issue is made accountable. I'll try to show that the framing of the political debate can become a practical resource for the accountability of the problem itself and vice versa.

Causal responsibility and ownership of the problem

Let us now pay attention to the text which exhibits the central position of expert knowledge and discourse. I'll try to show that the definition of the issue reflexively defines a specific course of action. This particular feature is well known to the ethnomethodologists as the reflexive accomplishment of the cognitive and moral order.

The beginning of the text identifies the problem. Here is the first sentence:

World Health Organisation (WHO) estimates a world-wide rate of about 8 to 10% of couples who are affected by one of the various forms of such a disease as infertility is. Through both a qualifier and a quantifier, this sentence defines infertility as a public health issue. The end of the sentence, along with the institution invoked to define the problem, clearly construe infertility as a disease. The text goes on emphasising this interpretation. A doctor is quoted to specify the Swiss situation. This expert is categorised through his belonging to the department of gynaecology/obstetrics in a famous hospital. This categorisation specifies infertility as a somatic disease. Under the subtitle *Causes of sterility*, the second paragraph reinforces this assessment, through the exclusive identification of somatic etiology. Note that the progressive transformation of infertility into sterility is routinized in that debate. The relevance of this point is made clear if one considers the development of other national debates on the issue. As Jacques Testart – probably the most prominent biologist in the French history of IVF – pointed, this definition is of importance for the action designed to solve the problem. Turning to a very critical discourse, he argued that any case of infertility was transformed by the medical profession into a definitive sterility, thereby legitimating the IVF treatment, even for cases of possibly transient infertility.

The third paragraph describes psychological aspects of sterility. This description is exclusively devoted to the consequences of sterility. On this occasion, a female doctor is quoted. Though she is identified with an equivalent title as the first doctor, her discourse only describes psychological aspects of couple infertility. These are said to be liable to lead to suicide. So far, the text has produced and specified the ontology of the problem. Sterility is a disease with identifiable somatic causes and psychological consequences. This situated ontology strongly constrains the legitimate categories to define the problem, and also to solve it, as we will see later. In Gusfield's and ethnomethodological terms, the ascription of a texture of causal responsibilities reflexively specifies medical categories as owners of the problem.

The beginning of the paragraph deserves a detailed analysis. *For many couples, starting a family is an essential aim in life. Hence, "hypofertility or sterility can trigger a deep crisis, accompanied by feelings of guilt towards oneself and the spouse, followed by sadness, depressive troubles, including even suicidal tendencies in extreme cases", explains Dr Elisabeth Berger-Menz, from the Bern University gynaecological clinic.*

The first sentence is authored by the journalist. We could rely here on Sack's analysis of family as a duplicatively organised categorisation device. On the one hand, family displays an internal distribution of places, which allows the discovery of absence. It is thus routinely possible to talk about a couple without children. This logical property is used here to define couples, or at least many of them, as incomplete families. This incompleteness is strongly dramatised by the quotation which details the sequence of dangers threatening the sterile

couple. Sterility is thus construed as an existential problem for couples. Family as a normative inferential device is used here to establish the relation between the problem and the course of political action.

On the other hand, it is possible to count instances of such a collection (device). This property is used in the picture which shows families through a sequence of mother plus child. The same property is also used as a resource in the title. This property allows to count the hundreds of children as instances of families concerned by IVF. That quantification dramatises the issue as a problem concerning many members and therefore the whole moral community.

The causal texture produced by the text so far accomplishes a first selection of the possible solutions. A physiological treatment can already be seen as a solution to both the somatic deficiency and the existential problems. The ontological specification of sterility as a disease has various consequences. The reported enquiry on its etiology establishes both the causal responsibility and the ownership of the problem, while the reported enquiry on its consequences establishes the political responsibility of the voters, through a dramatisation of the scope of the individual vote. It should be stressed here that the ontological constitution of family offers a central resource for that dramatisation. This last enquiry shows how a categorisation process is made accountable in and through a course of action. We'll see through the practical solution applied to sterility that the same property holds for the causal ontology of sterility.

If we look at the quotation device, we can see that the quotation is prefaced by a connective marker (*hence*) which establishes a logical entailment between the first sentence and the quotation. The quotation is grammatically inserted in the journalist's discourse. It is then postfaced by an identification of the quotation as an explanation.

These discursive devices accomplish the ownership of the problem by medical categories. Medical expert discourse is not reported here as a turn-taking in a public debate, but as the legitimate definition of the problem. This framing is reinforced by the adjacent sub-title *A range of remedies*, pointing somatic treatments, in this case drugs and surgery, as the only actions deemed appropriate to solve the problem.

The next two paragraphs, headed by *Hundreds of thousands of children*, are central for the pragmatic scope of the whole text:

Yet some patients, about 20% according to the medical profession, need a more complex medical intervention. Without getting into details, the various techniques that were developed, are generally based on in vitro, therefore extra-bodily, fertilisation. It is more or less a matter of removing several ovocytes from the future mother, of fertilising them outside the body (therefore in vitro) with the future father's or, a less and less frequent case, a third party's sperm, then of re-implanting them into the womb, with a completely "classical" and natural pregnancy in mind.

Since Louise Brown, hundreds of thousands of children in the world have owed their birth to in vitro fertilisation. Children like any others, who neither have less nor more problems than the others.

In these few lines, the problem at hand is given a solution through a course of action. The ontological status of the sterility prepares it to be treated through these specific medical treatments. These interventions get conceived as minor additives to natural process. The quantification and normalisation of the babies produced in this way take the drama out of the medical course of action and sanction its successfulness. We can just note a few typical markers of the popularisation discourse, such as *without getting into details, generally, more*

or less, as well as the narrative structure given to the whole process. These discursive devices attest that a specialised knowledge is owned by experts, but it can only be partially transmitted, or broadly glossed to the reader. At the end of the article, we can see how these discourse strategies define a course of public action.

Headed by the subtitle *Fantasies pond*, a French expression indicating a large amount of gullibility, the end of the article describes the position of the supporters of the initiative. Let's look at the first sentence:

The proponents pretend to forbid such a high-performance method as IVF [...].

The rest of the paragraph accomplishes a strong rejection of the initiative, arguing it is based on mere fantasies. This rhetorical strategy uses what Jeff Coulter identified as the disjunctive pair knowledge/belief. One logical property of its use is that it locates the speaker in the knowledge side (and does more than invite the reader to join it) and of course rejects any truth value of the opposite side. In this political context, such a cognitive assessment clearly implies a moral one. This is especially obvious in the first sentence which a) assesses the claim of the proponents as wrong or ill-founded (*pretend*), b) confronts it to the successfulness of the course of action depicted just before.

If you compare the two parties identified in the debate, you see that one is factually constructed, while the other is cognitively and morally assessed.

The position of the proponents appears then as an attempt to prevent the course of action obviously entailed by the problem at hand. Of course this establishes another responsibility level. We saw that the causal responsibility of the sterility was ascribed through expert discourse to physiological deficiencies. That very process established the ownership of the problem among the medical profession. A course of action was then detailed through a semi-expert explanation, the result of which was qualified and quantified and thereby favorably assessed. The whole problem is thus construed as one to which a perfectly appropriate solution exists. But that ideal course of action is threatened by the content of the initiative. The pragmatic purpose of the whole text appears then as an attempt to sort the truth from the fantasies in order to have the citizen-reader come to the right decision. This process shows the reflexive relation between factual description and obviously normative political action. The whole description can be construed as a proposal of action for the citizen-reader. The category of the latter can be said to emerge in and through the text. In this particular text, the citizen is invited to refuse a political intrusion in a course of action involving diseases, existential problems, doctors, couples and therapeutic treatments allowing pregnancy to happen. The whole text can be read as an invitation to a delegation of powers, those of the citizen being delegated to the self-regulating interaction between doctors and couples. The citizen is proposed an active caution of the currently enforced regulation through a refusal of the initiative.

This particular study points at the reflexive constitution of the problem ontology, the expertise of a category and a moral community in and through the popular initiative as political process. We will now try to show a similar phenomenon, turning to another political process with the case of an official experts report.

The Independent Commission of Experts (ICE) report about Gold trade

The ICE interim report about gold trade is a quite important one. It is a document of about 200 pages published in four languages (German, French, Italian and English). It has been widely diffused as a book and is freely available on the Internet. This publication also

occasioned a quite large public debate in and through the Swiss media. Journalists, historians and economists took a stand on the results of the investigations presented by the Commission. The report is composed of an introduction, six chapters and a conclusion. The introduction is devoted to the context of the publication. The first chapter presents some discussed figures about the gold transactions between the Reichsbank and the Swiss National Bank (SNB). As we will see, this first description is based on an implicit categorisation device of trade, which can be analysed as a cornerstone of the whole report. Chapter 2 is the core of the report. It proposes an historiography of gold trade between the SNB and the Axis powers, presenting the different origins of gold implicated in these exchanges and the motives called upon to justify them. This first picture is completed by shorter investigations devoted to gold trade with the Allied (chapter 3), the implication of commercial banks in the gold market (chapter 4) and the role of Swiss insurance companies, which pressed the SNB not to interrupt gold trade until the end of the war (chapter 5). Chapter 6 presents the ins and outs of the 1946 Washington negotiations during which the implication of Switzerland in gold trade was a key issue. In the conclusion, the ICE draws moral inferences from its investigations for the contemporary Swiss community.

Our presentation will concentrate on three parts of the document. We will show how the introduction inscribes the report in a triple temporality which constitutes the context of the publication. We will then analyse the implicit formal model of trade used in chapter one as a key for the whole argumentation of the Commission. And we will argue that the conclusion defines responsibilities and constitutes a programme of public action.

The report's publication and its context

In the ICE's point of view, the activity of reporting about gold trade is not accountable on its own. Specifically, the Commission inscribes clearly the report as constitutive of a double collective action.

First, the ICE explicitly inscribes the publication of the report in the frame of a scientific debate about the historiography of the Second World War in Switzerland. In this respect, the ICE devotes five pages to the "research to date" about the topic of gold trade (12-17), which introduce the presentation of Research Agenda and Structure of the Report (17-20). In this perspective the report is developed like a kind of dialogue with other researches, which are regularly quoted and discussed.

Second, the report is written in the context of a public debate about sensitive ethical and moral problems. Thus, the historiography of gold trade is inscribed in a larger course of action. In this perspective, it appears as a first step in a decision process about a restitution policy, which implies historians, but also the entire Swiss political community: *"Initially, public discussion concerning Switzerland's role during the war focused on dormant accounts held by Swiss banks. Since the autumn of 1996, interest within Switzerland as well as abroad has increasingly concentrated on gold transactions. Since gold is of such economic and political significance, and because of the ethical questions arising from the Nazis' systematic practice of looting conquered states, the Commission has decided to publish this initial study"* (p.11).

The local intelligibility of gold trade's historiography

In the interim report, the research about gold trade during World War II is made accountable in and through scientific and public debates. The first public intervention of the ICE appears as a clarification which calls for a renewal of these discussions. The Commission specifically aims at proposing a new categorisation of the different types of the gold traded by the Reichsbank: *"The present working paper has been conceived as a scientific contribution by the Independent Commission of Experts: Switzerland - Second World War for the London*

Conference on Nazi Gold. To establish a clear foundation for discussions, the Commission is proposing definitions for the various categories of gold which Germany placed on the international market” (London, p. 1). The ICE distinguishes three main categories of gold: (a) Gold which came under the control of the Reichsbank by means of a discriminatory legal system, (b) looted gold (which includes “confiscated and plundered gold”, “victim gold” and “gold from currency reserves of central banks”) and (c) gold legally acquired by the Reichsbank before 1933.

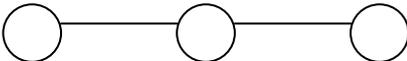
This categorisation is particularly relevant if one considers it as an intervention in the scientific and public debates. Since the end of the war, historians, official organisations and governments have been used to distinguishing monetary and non-monetary gold. The ICE considers this plain distinction as a neutralisation of the moral implications of trading “victim gold”. Consequently, the new categorisation of gold appears as ground for a new way of writing gold trade history. It specifically implies a new way of framing this historical process, and a renewal of the categorisation devices required for its description.

Gold categorisation and frame definition

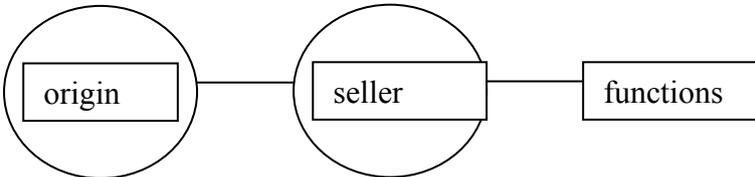
This distinction of gold categories according to its different origins frames gold trade during World War II in a specific way. On the one hand, it implies that its description can’t be restricted to the period of war (1939-1945). It includes the whole period of Nazi power in Germany, from 1933 to 1945. This frame allows to take into consideration the gold appropriated by the Nazis through legal constraint, and stolen from the German and Austrian Jews since 1938. On the second hand, this categorisation delimits the notion of gold trade during World War II, focusing on the transactions of gold coming from non regular stocks. Hence, the report concentrates on the relations between the SNB and the Reichsbank, which are explicitly distinguished from the relations with Allied central banks.

Gold categorisation and categorisation devices of trade

The distinction of gold categories according to their different origins points at the moral implications of their trade, excluding their interpretation as plain financial exchanges. Consequently one of the major contribution of the interim report is to point at the specificity of gold trade during World War II. In this perspective, the Commission extends the elementary model of commercial exchange, which takes in consideration the relations between a seller, a buyer and the object of their exchange.



According to the ICE, such a formal model is not appropriate to the description of gold trade during World War II. It misses the moral implications of trade, especially because it does not take into consideration the origin of the object of the transaction. Therefore, the Commission proposes to use a four positions model, which includes the position occupied by the former owners of the gold. Further, the model must also consider the functions of the transactions from the point of view of the seller.



These little extensions of the common model of trade considerably modify the description of gold trade. First of all, the consideration of the former owners reveals that part of the gold traded by the Swiss National Bank had been stolen to victims of the Holocaust. Such a description has symbolic and moral consequences, because it establishes a close link between gold trade and Nazi crimes. *“Seen as a function of the quantity and of the value it represents, the gold which was looted from victims is but a fraction of the proven gold reserves handled by the Reichsbank. This fact, however, should not palliate the reality that the human suffering behind these statistics is incalculable”* (p. 36). Second, the inclusion of the motives of the Reichsbank managers in the description of trade reveals that they used part of these exchanges in order to buy war material, particularly to Portugal. In this perspective, it is possible to argue that the Swiss National Bank might be, in some respect, implicated in the prolongation of the war.

Both points have major consequences for the historical work. On the one hand they make the actions of the Swiss National Bank intelligible as constitutive of the development of World War Two. The moral consequence is that a Swiss institution could be seen, to a certain extent, as accomplice of the actions of the Nazi government. Of course such a position is quite sensitive in the contemporary context of reassessment of responsibilities during World War II. It is especially significant after the US Senator Alfonse D’Amato threatened to reconsider the Washington agreements. In other words, it places historiography in the focus of a moral and political debate. On the other hand, the promotion of this new categorisation device has a theoretical implication. It supposes that gold trade is not a short exchange of value, but must be seen as a long term process running from the appropriation of gold to the use of its trade benefits. From this point of view, the historiography of gold trade can not be reduced to accounting statistics. It must describe the whole trajectory of gold through borders and time. But this conception rises a methodological problem. Such a description makes relevant to observe that gold can be melt. Hence, the appearance of gold does not attest its origin. The historians must then collect data in order to reconstitute the whole process of its successive transformations.

Description and responsibilities

At this point, we have analysed how the description of gold trade proposed by the commission constitutes a specific categorisation device, which is articulated on the categorisation of different types of gold. We have also seen that the relevance of these descriptions emerges in a context of scientific and public debates. We will now go a step forward and show that these descriptions are constitutive of a course of public action. The first paragraph of the report is quite explicit about this point: *“This interim report reflects Switzerland’s firm commitment to an unrestricted examination of its history during World War II and its links with Germany’s Nazi regime. The report sets out to provide a broad, clear, and transparent assessment of a complex period of Switzerland’s history. The objective is to help Switzerland become conscious of its own responsibilities, particularly concerning the restitution of goods and assets which may not yet have been returned to their legal owners. The report also seeks to shed unbiased and constructive light on a controversial period of Swiss history”* (p.11). According to this introduction, this interim report is not only a classical historical research. It commits Switzerland as a moral community, willing to assume in the present the responsibilities of its past. In this perspective, the elucidation of the role of the Swiss National Bank during World War II is not only a matter of objectivity. In this case, historical work contributes to the definition of gold trade during World War II as a current public problem, that has practical, moral and political consequences. In other words, the Commission constitutes itself as an “owner of the problem” in and through the interim report. Of course, the mandate that the Swiss government delivered to the Commission is an important resource for such an accomplishment, especially because it attributes a monopolistic access to the

archives. But the ICE practically accomplishes this status by the fixation of causal and political responsibilities. In this respect, the key issues of the report are risen in chapter 2, entitled “Gold Acquired by the SNB from Germany”: “Chapter 2 *forms the backbone of this interim report. Here we discuss the dynamics of the gold transactions and analyze different phases of Swiss policy. We discuss how the motivations and arguments of the SNB decision-makers responsible for gold transactions changed over time. We also discuss the triangle of transactions between Germany, Switzerland, and Portugal. Our analysis is based on the following questions: how much did Swiss decision-makers know about the extent to which law had been misused and morality perverted in Germany and Axis-occupied countries? How much did those involved know about the origins of gold that found its way to Switzerland? What were their objectives in terms of commercial gain, monetary policy, and political strategy? Did they want to prevent an invasion of Switzerland or were they simply worried about maintaining currency stability? Was it their initial intent to help contribute to the creation of a new German-dominated Europe, and did they subsequently yield to Allied pressure because they felt the postwar economic and legal system would be dominated by the Allies? To what extent did the SNB become trapped by its own actions, arguments, and psycho-political rationalizations and thus become incapable of changing its position?*” (p.19). This investigation constitutes the fixation of the causal responsibilities of gold trade, which supposes to elucidate the motives invoked by the SNB to justify the maintenance of gold trade with Germany until the last months of the war. However the motives must themselves be analysed as being oriented by the international context. According to the ICE, the behaviour of the actors is more precisely influenced by their perception of this context, and this perception is determined by a “psychological situation”: “By 1943, it was evident that Nazi visions of a «New European Order» were unrealistic. In 1940, however, as the Wehrmacht swept victoriously through France and the Low Countries, such projects were conceivable, and despite later changes in the fortunes of war some Swiss remained unconvinced of the certainty of German defeat. It is important to take this into consideration, since the behavior of those involved can more readily be understood if one considers how they viewed the international situation” (p. 17). Consequently, the Commission is ready to define the SNB as causally responsible of the transactions only if the context provided the opportunity to act in an other way, and if its managers were conscious of these possibilities. Therefore this investigation is grounded on the common sense link between knowledge and responsibility. It leads to the conclusion, in which the ICE rejects the motives commonly invoked to justify the maintenance of gold trade with Germany until the last months of World War II. Specifically, the ICE argues, on the ground of its investigations, that SNB did not accept German gold in good faith (i.e. without knowing about its origin), that the Swiss political neutrality principles did not oblige SNB to accept German gold, and that SNB managers could not determine if gold trade would dissuade Germany to invade Switzerland. At this point the ICE has established the past implication of the SNB in the war process. But the specific accomplishment of the report is to link these past events with the present. This operation is constitutive of the historical work, which mainly consists in describing continuous diachronic processes. In this case, one of its main resources is the progressive definition of gold ontology. As we have seen, the investigation made relevant to observe that it is possible to melt gold, and thus to transform its appearance. The main challenge of the ICE is to accomplish the reverse way. The report establishes that, in spite of the appearance, the gold ingots acquired by the SNB still contain a precisely calculable proportion of material which was stolen by the nazis in the most terrific conditions. This demonstration leads the analysis to the assessment of a political responsibility. It means that an official Swiss institution is still in possession of stolen gold, and thus susceptible to be described as a receiver. This operation radically transforms the question of gold trade. Under such a description it is not only an historical question. It becomes a contemporary moral and political

problem, which requires a public intervention for the restitution of the gold amorally acquired in the past. In so doing, the CIE constitutes Switzerland as a moral community, that has to know about its past and to assume its present consequences.

Conclusion

Through the analysis of these two cases, some general properties can be sketched which involve both methodological and theoretical aspects.

- Public debates are made accountable through the identification of a problem. We've seen that the accountability of such a problem is accomplished by the identification of a course of action designed to solve it. It is only in and through this course of action that categorisation devices are made publicly relevant. The logical primacy of action over categories explains the ontological indifference in the ascription of relevance to human and/or non-human entities. Hence it seems important that ethnomethodological indifference includes a suspension of ontological ascription. Our two analyses showed the crucial consequentiality of the local ascription of ontological properties to sterility and gold. The indexicality or locality of that ascription has to be construed here as only accountable in and as a course of action. The possibility of inquiring into the ontological properties of categories is provided by a course of action (construed here as equivalent to the wittgensteinian *forms of life*). This observation can lead to a critical reassessment of Sack's analysis of categorisation devices. For instance, our analyses illustrate a general phenomenon of activity-bound categories, rather than the phenomenon Sacks identified as category-bound activity. This ontological indifference must be understood as a methodological device, which helps to delineate the constitutive moral dimension of any course of action. Thus morality is to be found in and through an action, rather than deposited inside a category. This leads us to a second remark.

- Gusfield identified public problems as something for which something ought to be done. We have tried to illustrate this property through a focus on the irremediable moral aspect of the establishment of any course of action. Once something has been described as of public relevance, a public course of action is normatively ascribed to a moral community. The descriptive devices (action and its categories) locally performed to make a problem accountable can be said to incorporate a moral component. In other words one has to know about the Swiss votation procedures in order to make sense of the public discourse of the medical profession as both a stand taking in a debate and a normative advice. In a similar way, a new categorisation of gold considering its different origins is accountable as morally relevant insofar as one knows about the contemporary scientific and public debates about World War II. This moral component is of central importance in the elucidation of the constitution of democratic public spheres. It helps to understand the constitutive link or reflexive relation between public discourse and political action. For instance, the category of citizenship, or of moral community, can be said to emerge as a local but logical property of courses of public actions. The results of our analysis indicate the relevance of a praxeological approach of the whole phenomenon.

Appendix 1 : Origins of Gold in Nazi Germany and Occupied Europe (pp. 29-30)

The present interim report distinguishes between five categories of gold, primarily based on its origin. It will then go on to examine the use of gold and the resulting transformations in its form and function.

1. *Gold* which came under the control of the Reichsbank by means of broadly applied legal requirements. In the Third Reich an entire group of organizations and administrative offices were involved in the registration, appropriation, and extortion of gold. Such measures extended from general tax laws and foreign currency regulations to compulsion stemming solely from the needs of the wartime economy. These programs effected all German citizens (both of Jewish and non-Jewish origin) as well as other dispossessed persons, groups and institutions within Germany.

2. *Confiscated and plundered gold*. On the one hand this includes property (coins, jewelry, and precious metal bar) which was collected by force from Jews in Germany and Austria after 1938, as authorized by Nazi racist legislation. On the other hand it includes property taken from residents and citizens of annexed and occupied areas (The Netherlands, Belgium, Poland, etc.) through the arbitrary use of state power or individual plundering. Such gold was either transferred to the reserves of the Reichsbank, used on the black markets, or hoarded.

3. *Victim gold*. This is a general term used to denote the gold assets which the Nazi regime took from victims (dead or alive) of ghettos, mass executions by shooting, concentration camps, and killing centers. «Concentration camps and killing centers» is a comprehensive term. The mass extermination of European Jews was at the same time a large-scale looting operation for jewelry gold, precious stones, and foreign currencies. Above all, the SS Central Office for Economy and Administration [WVHA], was the leading participant in the plundering of victims. It also raises the question of embezzlement and plundering by individuals involved in the killing process. The Central Office for Reich Security was informed by an American news agency report in April 1944 that SS-Reichsführer Heinrich Himmler had deposited assets of about \$2 million in South American accounts and invested another \$640,000 in life insurance policies. The accuracy of this report, the origin of the alleged assets, and the way in which they reached South America is still being questioned. More detailed remarks at the end of this section indicate the complexity of the subject (1.2.2).

4. *Gold from currency reserves of central banks*. Even before the war, the Third Reich was able to appropriate gold reserves of other states through its territorial expansion. During the *Blitzkrieg* in the spring and summer of 1940, other substantial gold holdings came under the control of the national socialist state. In the years of occupation by the German Wehrmacht which followed, gold continued to flow from the monetary reserves of the European central banks to the Reichsbank. The last three categories (2, 3, 4) indicated are globally referred to as «looted gold». Apart from these, an additional category of non-looted gold must be defined:

5. *Gold* from holdings which came into the possession of the Reichsbank before 1933 or which was acquired through regular transactions before the outbreak of war.